

# HOUSE BILL 919

L6

5lr1841  
CF SB 551

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By: **Delegates Lafferty, Afzali, Anderton, Barkley, Beidle, Beitzel, Carr, Cassilly, Fennell, Fraser-Hidalgo, Frush, Gilchrist, Healey, Holmes, Jacobs, Krebs, Krimm, Lam, Lisanti, Mautz, McIntosh, McMillan, Otto, Pena-Melnyk, Platt, S. Robinson, Shoemaker, Valentino-Smith, Vogt, A. Washington, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Land Use – Plans – Development and Adoption**

3 FOR the purpose of authorizing the legislative body of a local jurisdiction to adopt, modify,  
4 remand, or disapprove a certain plan or part of a plan, a plan for one or more  
5 geographic sections or divisions of the local jurisdiction, or an amendment ~~or~~  
6 ~~extension of or addition~~ to the plan; authorizing and requiring the legislative body  
7 to hold a public hearing before taking certain actions; requiring a certain planning  
8 commission to hold a public hearing before submitting a new recommended plan  
9 under certain circumstances; providing that a certain recommendation of a planning  
10 commission shall be considered approved if the legislative body of a certain local  
11 jurisdiction fails to ~~take action on the recommendation~~ approve, modify, remand, or  
12 disapprove the recommended plan within a certain time period; authorizing the  
13 legislative body of a local jurisdiction, by resolution, to extend a certain deadline for  
14 a certain period of time if the legislative body makes a certain determination; making  
15 a certain technical correction; and generally relating to the development and  
16 adoption of certain land use plans.

17 BY repealing and reenacting, with amendments,

18 Article – Land Use

19 Section 3–204 and 3–205

20 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2012 Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Land Use**

3–204.

(a) Each local jurisdiction shall adopt a plan that includes:

(1) the elements required under Subtitle 1 of this title; and

(2) the visions set forth in § 1–201 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, only a legislative body that has adopted a plan may adopt regulations implementing the visions stated in § 1–201 of this article in the plan.

(2) This subsection does not limit the Department of Planning from exercising any authority granted under the State Finance and Procurement Article.

**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LEGISLATIVE BODY MAY ADOPT, MODIFY, REMAND, OR DISAPPROVE:**

**(I) THE WHOLE PLAN OR PART OF THE PLAN;**

**(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR**

**(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.**

**(2) THE LEGISLATIVE BODY MAY HOLD A PUBLIC HEARING BEFORE REMANDING OR DISAPPROVING AND SHALL HOLD A PUBLIC HEARING BEFORE ADOPTING OR MODIFYING:**

**(I) THE WHOLE PLAN OR PART OF THE PLAN;**

**(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR**

**(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.**

1           **(3) THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING**  
 2 **BEFORE SUBMITTING A NEW RECOMMENDED PLAN TO THE LEGISLATIVE BODY, IF**  
 3 **THE LEGISLATIVE BODY REMANDS OR DISAPPROVES:**

4                   **(I) THE WHOLE PLAN OR PART OF THE PLAN;**

5                   **(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR**  
 6 **DIVISIONS OF THE LOCAL JURISDICTION; OR**

7                   **(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE**  
 8 **PLAN.**

9           **(4) (I) THE RECOMMENDATION OF THE PLANNING COMMISSION**  
 10 **SHALL BE CONSIDERED APPROVED IF THE LEGISLATIVE BODY FAILS TO ~~ACT~~**  
 11 **APPROVE, MODIFY, REMAND, OR DISAPPROVE THE RECOMMENDED PLAN IN**  
 12 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION WITHIN 90 DAYS AFTER**  
 13 **THE DATE ~~THE RECOMMENDATION IS SUBMITTED~~ THAT THE PLANNING COMMISSION**  
 14 **CERTIFIES AN ATTESTED COPY OF THE RECOMMENDED PLAN TO THE LEGISLATIVE**  
 15 **BODY IN ACCORDANCE WITH § 3-203(F) OF THIS SUBTITLE.**

16                   **(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS**  
 17 **PARAGRAPH, IF THE LEGISLATIVE BODY DETERMINES THAT THERE ARE EXIGENT**  
 18 **CIRCUMSTANCES SO THAT THE LEGISLATIVE BODY IS UNABLE TO ACT IN**  
 19 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, BY RESOLUTION THE**  
 20 **LEGISLATIVE BODY MAY EXTEND THE DEADLINE IN SUBPARAGRAPH (I) OF THIS**  
 21 **PARAGRAPH FOR NO MORE THAN ONE ~~90-DAY~~ 60-DAY EXTENSION.**

22 3-205.

23           (a) This section applies only to a local jurisdiction where the legislative body has  
 24 adopted a whole plan or a plan for one or more geographic sections or divisions of the local  
 25 jurisdiction.

26           (b) A publicly or privately owned street, square, park, or other public way, ground,  
 27 or open space, a public building or structure, or a public utility may not be authorized or  
 28 constructed in the local jurisdiction or in a geographic section of the local jurisdiction until  
 29 the planning commission has approved the location, character, and extent of the  
 30 development as consistent with the plan.

31           (c) (1) The planning commission shall communicate its decision and the  
 32 reasons for its decision to the legislative body or to the body that has jurisdiction over the  
 33 financing of the public way, ground, space, building, structure, or utility.

1           (2) The submission to the planning commission shall be considered  
2 approved if the planning commission fails to act on the submission within 60 days after the  
3 date it was submitted.

4           (3) The legislative body or other body having jurisdiction may overrule the  
5 decision of the planning commission by a recorded vote of at least two-thirds of its entire  
6 membership.

7           [(d) (1) The legislative body may adopt:

8                           (i) the whole plan;

9                           (ii) a plan for one or more geographic sections or divisions of the local  
10 jurisdiction; or

11                          (iii) an amendment or extension of or addition to the plan.

12           (2) The recommendation of the planning commission shall be considered  
13 approved if the legislative body fails to act within 60 days after the date the  
14 recommendation is submitted.]

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.